

IN THE UNITED STATES BANKRUPTCY COURT, DISTRICT OF PUERTO RICO

IN RE: HERIBERTO DIAZ AVILA

Bkrtcy. No. 10-07208-ESL

Chapter 13

STANDING CHAPTER 13 TRUSTEE §341 MEETING MINUTES
AND REPORT ON CONFIRMATION

Petition Filing Date: <u>Aug 09, 2010</u>	Meeting Date: <u>Sep 13, 2010</u>	DC Track No. <u>2</u>								
Days from petition date: <u>35</u>	Meeting Time: <u>8:00 AM</u>									
910 Days before Petition: <u>2/11/2008</u>	<input type="checkbox"/> Chapter 13 Plan Date: <u>Aug 09, 2010 Dkt.# 2</u>	<input type="checkbox"/> Amended.								
This is debtor(s) <u>122</u> Bankruptcy petition.	Plan Base: <u>\$12,000.00</u>									
This is the <u>122</u> Scheduled Meeting	Confirmation Hearing Date: <u>Oct 06, 2010</u>	Time: <u>2:00 PM</u>								
<input checked="" type="checkbox"/> Payment(s) <input type="checkbox"/> Received or <input checked="" type="checkbox"/> Evidence shown at meeting:	<table border="1" style="width:100%"> <tr> <th>Ck/MO No.</th> <th>Date</th> <th>Amount</th> <th>Total Paid In:</th> </tr> <tr> <td><u>no 2240</u></td> <td><u>9-6-10</u></td> <td><u>\$ 200.00</u></td> <td><u>\$0.00</u></td> </tr> </table>	Ck/MO No.	Date	Amount	Total Paid In:	<u>no 2240</u>	<u>9-6-10</u>	<u>\$ 200.00</u>	<u>\$0.00</u>	
Ck/MO No.	Date	Amount	Total Paid In:							
<u>no 2240</u>	<u>9-6-10</u>	<u>\$ 200.00</u>	<u>\$0.00</u>							

I. Appearances: <input checked="" type="checkbox"/> Debtor Present <input checked="" type="checkbox"/> ID & Soc. OK <input type="checkbox"/> Debtor Absent <input type="checkbox"/> Joint Debtor Present <input type="checkbox"/> ID & Soc. OK <input type="checkbox"/> Joint Debtor Absent Debtor(s) was/were <input checked="" type="checkbox"/> Examined <input type="checkbox"/> Not Examined under oath. Attorney for Debtor(s) <input checked="" type="checkbox"/> Present <input type="checkbox"/> Not Present <input type="checkbox"/> Substitute attorney: <input type="checkbox"/> Pro-se.		<input type="checkbox"/> Creditor(s) present: <input checked="" type="checkbox"/> None.
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II. Attorneys Fees as per R 2016(b) Statement		Attorney of record: <u>JOSE PRIETO CARBALLO*</u>
Total Agreed: <u>\$3,000.00</u>	Paid Pre-Petition: <u>\$376.00</u>	Outstanding: <u>\$2,624.00</u> THROUGH THE PLAN

III. Trustee's will file Motion to Dismiss:	<input type="checkbox"/> For Failure to appear;	<input type="checkbox"/> For Failure to commence payments.
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IV. Trustee's Report on Confirmation & Status of §341 Meeting		Liquidation Value: <u>0</u>
Debtor(s) Income is (are) <input checked="" type="checkbox"/> Under <input type="checkbox"/> Above Median Income.	Gen. Unsecured Pool: <u>NO POOL</u>	
Commitment Period is <input checked="" type="checkbox"/> 36 <input type="checkbox"/> 60 months. [§1325(b)(1)(B)]		
<u>100%</u> <u>The Trustee</u> <input type="checkbox"/> RECOMMENDS <input checked="" type="checkbox"/> OBJECTS <u>Plan confirmation.</u>		
§341 Meeting <input type="checkbox"/> CONTINUED <input type="checkbox"/> NOT HELD <input checked="" type="checkbox"/> CLOSED <input type="checkbox"/> HELD OPEN FOR ___ DAYS		
§341 Meeting Rescheduled for: _____		

V. Trustee's OBJECTIONS to Confirmation:			
<input type="checkbox"/> FEASIBILITY [§1325(a)(6)]	<input type="checkbox"/> INSUFFICIENTLY FUNDED	<input type="checkbox"/> To pay §507	<input type="checkbox"/> Fails Creditor's Best Interest Test §1325(A)(4)
<input type="checkbox"/> FAILS DISPOSABLE INCOME REQUIREMENTS	<input type="checkbox"/> Failure to comply with Tax returns requirements. [§1308]		
<input type="checkbox"/> Failure to comply with DSO requirements	<input type="checkbox"/> Plan not filed in Good Faith §1325(a)(3)	<input type="checkbox"/> Unfair Discrimination §1322(a)(3)	

ADDITIONAL OBJECTIONS / COMMENTS:

EVIDENCE IN SUPPORT OF DSO POST PETITION PAY-
MENTS WILL BE SUBMITTED. TAX RETURNS WILL
BE PROVIDED.

/s/ José R. Carrión
Trustee

[Signature]
Presiding Officer

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Date: Sep 13, 2010